

**SENATE BILL**

**No. 60**

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**Introduced by Senator Harman**

February 12, 2010

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An act to amend Sections 22, 102.3, 473, 473.15, 473.16, 473.2, 473.3, 473.4, 473.5, 473.6, 474, 474.1, 474.2, 474.3, 474.4, 1620.1, 1632.5, 1634.2, 1638.1, 1638.7, 4001.5, 4200.3, 4934.2, 5000, 5811, 6704.1, 7000.5, 7303.2, 9882, 18824, and 18882 of, to amend the heading of Division 1.2 (commencing with Section 473) of, and to add Chapter 3 (commencing with Section 474.5) to Division 1.2 of, the Business and Professions Code, and to amend Sections 9148.52 and 9148.8 of the Government Code, relating to legislative procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as introduced, Harman. Legislative procedure: committee referrals: Joint Committee on Boards, Commissions, and Consumer or Business Protection.

The California Constitution authorizes each house of the Legislature to provide for the selection of committees necessary for the conduct of its business, including committees to ascertain facts and make recommendations to the Legislature on a subject within the scope of legislative control.

Existing law generally makes various regulatory boards within the Department of Consumer Affairs inoperative and repealed on specified dates, and, until January 1, 2012, subjects those boards and other specified boards to review by the Joint Committee on Boards, Commissions, and Consumer Protection.

This bill would enact the Jobs Protection Act. The bill would rename the Joint Committee on Boards, Commissions, and Consumer Protection

as the Joint Committee on Boards, Commissions, and Consumer or Business Protection, and would create a new legislative procedure with regard to any bill, as defined, that may have a statewide economic impact affecting business. The bill would require the Assembly Committee on Rules and the Senate Committee on Rules to refer any bill that may have a statewide economic impact affecting business, as specified, to the joint committee for the preparation of an economic impact analysis and a hearing and approval. The bill would require the joint committee to move a bill estimated to generate a fiscal impact of \$10,000 or more on small business, as defined, or \$50,000 or more on any other business, to the suspense file of the joint committee for further consideration, subject to specified procedural requirements. The bill would also require the joint committee to make an annual report in that regard. The bill would make conforming changes to related provisions.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. This act shall be known and may be cited as the
- 2     Jobs Protection Act.
- 3     SEC. 2. Section 22 of the Business and Professions Code is
- 4     amended to read:
- 5     22. (a) “Board,” as used in any provision of this code, refers
- 6     to the board in which the administration of the provision is vested,
- 7     and unless otherwise expressly provided, shall include “bureau,”
- 8     “commission,” “committee,” “department,” “division,” “examining
- 9     committee,” “program,” and “agency.”
- 10    (b) Whenever the regulatory program of a board that is subject
- 11    to review by the Joint Committee on Boards, Commissions, and
- 12    Consumer *or* Business Protection, as provided for in Division 1.2

1 (commencing with Section 473), is taken over by the department,  
2 that program shall be designated as a “bureau.”

3 SEC. 3. Section 102.3 of the Business and Professions Code  
4 is amended to read:

5 102.3. (a) The director may enter into an interagency  
6 agreement with an appropriate entity within the Department of  
7 Consumer Affairs as provided for in Section 101 to delegate the  
8 duties, powers, purposes, responsibilities, and jurisdiction that  
9 have been succeeded and vested with the department, of a board,  
10 as defined in Section 477, which became inoperative and was  
11 repealed in accordance with Chapter 908 of the Statutes of 1994.

12 (b) (1) Where, pursuant to subdivision (a), an interagency  
13 agreement is entered into between the director and that entity, the  
14 entity receiving the delegation of authority may establish a  
15 technical committee to regulate, as directed by the entity, the  
16 profession subject to the authority that has been delegated. The  
17 entity may delegate to the technical committee only those powers  
18 that it received pursuant to the interagency agreement with the  
19 director. The technical committee shall have only those powers  
20 that have been delegated to it by the entity.

21 (2) Where the entity delegates its authority to adopt, amend, or  
22 repeal regulations to the technical committee, all regulations  
23 adopted, amended, or repealed by the technical committee shall  
24 be subject to the review and approval of the entity.

25 (3) The entity shall not delegate to a technical committee its  
26 authority to discipline a licensee who has violated the provisions  
27 of the applicable chapter of the Business and Professions Code  
28 that is subject to the director’s delegation of authority to the entity.

29 (c) An interagency agreement entered into, pursuant to  
30 subdivision (a), shall continue until such time as the licensing  
31 program administered by the technical committee has undergone  
32 a review by the Joint Committee on Boards, Commissions, and  
33 Consumer *or Business* Protection to evaluate and determine  
34 whether the licensing program has demonstrated a public need for  
35 its continued existence. Thereafter, at the director’s discretion, the  
36 interagency agreement may be renewed.

37 SEC. 4. The heading of Division 1.2 (commencing with Section  
38 473) of the Business and Professions Code is amended to read:

1        DIVISION 1.2. JOINT COMMITTEE ON BOARDS,  
2        COMMISSIONS, AND CONSUMER *OR BUSINESS*  
3        PROTECTION  
4

5        SEC. 5. Section 473 of the Business and Professions Code is  
6 amended to read:

7        473. (a) There is hereby established the Joint Committee on  
8 Boards, Commissions, and Consumer *or Business* Protection.

9        (b) The Joint Committee on Boards, Commissions, and  
10 Consumer *or Business* Protection shall consist of three members  
11 appointed by the Senate Committee on Rules and three members  
12 appointed by the Speaker of the Assembly. No more than two of  
13 the three members appointed from either the Senate or the  
14 Assembly shall be from the same party. The Joint Rules Committee  
15 shall appoint the chairperson of the committee.

16        (c) The Joint Committee on Boards, Commissions, and  
17 Consumer *or Business* Protection shall have and exercise all of  
18 the rights, duties, and powers conferred upon investigating  
19 committees and their members by the Joint Rules of the Senate  
20 and Assembly as they are adopted and amended from time to time,  
21 which provisions are incorporated herein and made applicable to  
22 this committee and its members.

23        (d) The Speaker of the Assembly and the Senate Committee on  
24 Rules may designate staff for the Joint Committee on Boards,  
25 Commissions, and Consumer *or Business* Protection.

26        (e) The Joint Committee on Boards, Commissions, and  
27 Consumer *or Business* Protection is authorized to act until January  
28 1, 2012, at which time the committee's existence shall terminate.

29        SEC. 6. Section 473.15 of the Business and Professions Code  
30 is amended to read:

31        473.15. (a) The Joint Committee on Boards, Commissions,  
32 and Consumer *or Business* Protection established pursuant to  
33 Section 473 shall review the following boards established by  
34 initiative measures, as provided in this section:

35        (1) The State Board of Chiropractic Examiners established by  
36 an initiative measure approved by electors November 7, 1922.

37        (2) The Osteopathic Medical Board of California established  
38 by an initiative measure approved June 2, 1913, and acts  
39 amendatory thereto approved by electors November 7, 1922.

1 (b) The Osteopathic Medical Board of California shall prepare  
2 an analysis and submit a report as described in subdivisions (a) to  
3 (e), inclusive, of Section 473.2, to the Joint Committee on Boards,  
4 Commissions, and Consumer *or Business* Protection on or before  
5 September 1, 2010.

6 (c) The State Board of Chiropractic Examiners shall prepare an  
7 analysis and submit a report as described in subdivisions (a) to (e),  
8 inclusive, of Section 473.2, to the Joint Committee on Boards,  
9 Commissions, and Consumer *or Business* Protection on or before  
10 September 1, 2011.

11 (d) The Joint Committee on Boards, Commissions, and  
12 Consumer *or Business* Protection shall, during the interim recess  
13 of 2004 for the Osteopathic Medical Board of California, and  
14 during the interim recess of 2011 for the State Board of  
15 Chiropractic Examiners, hold public hearings to receive testimony  
16 from the Director of Consumer Affairs, the board involved, the  
17 public, and the regulated industry. In that hearing, each board shall  
18 be prepared to demonstrate a compelling public need for the  
19 continued existence of the board or regulatory program, and that  
20 its licensing function is the least restrictive regulation consistent  
21 with the public health, safety, and welfare.

22 (e) The Joint Committee on Boards, Commissions, and  
23 Consumer *or Business* Protection shall evaluate and make  
24 determinations pursuant to Section 473.4 and shall report its  
25 findings and recommendations to the department as provided in  
26 Section 473.5.

27 (f) In the exercise of its inherent power to make investigations  
28 and ascertain facts to formulate public policy and determine the  
29 necessity and expediency of contemplated legislation for the  
30 protection of the public health, safety, and welfare, it is the intent  
31 of the Legislature that the State Board of Chiropractic Examiners  
32 and the Osteopathic Medical Board of California be reviewed  
33 pursuant to this section.

34 (g) It is not the intent of the Legislature in requiring a review  
35 under this section to amend the initiative measures that established  
36 the State Board of Chiropractic Examiners or the Osteopathic  
37 Medical Board of California.

38 SEC. 7. Section 473.16 of the Business and Professions Code  
39 is amended to read:

1     473.16. The Joint Committee on Boards, Commissions, and  
2     Consumer *or Business* Protection shall examine the composition  
3     of the Medical Board of California and its initial and biennial fees  
4     and report to the Governor and the Legislature its findings no later  
5     than July 1, 2008.

6     SEC. 8. Section 473.2 of the Business and Professions Code  
7     is amended to read:

8     473.2. All boards to which this chapter applies shall, with the  
9     assistance of the Department of Consumer Affairs, prepare an  
10    analysis and submit a report to the Joint Committee on Boards,  
11    Commissions, and Consumer *or Business* Protection no later than  
12    22 months before that board shall become inoperative. The analysis  
13    and report shall include, at a minimum, all of the following:

14    (a) A comprehensive statement of the board's mission, goals,  
15    objectives and legal jurisdiction in protecting the health, safety,  
16    and welfare of the public.

17    (b) The board's enforcement priorities, complaint and  
18    enforcement data, budget expenditures with average- and  
19    median-costs per case, and case aging data specific to post and  
20    preaccusation cases at the Attorney General's office.

21    (c) The board's fund conditions, sources of revenues, and  
22    expenditure categories for the last four fiscal years by program  
23    component.

24    (d) The board's description of its licensing process including  
25    the time and costs required to implement and administer its  
26    licensing examination, ownership of the license examination,  
27    relevancy and validity of the licensing examination, and passage  
28    rate and areas of examination.

29    (e) The board's initiation of legislative efforts, budget change  
30    proposals, and other initiatives it has taken to improve its legislative  
31    mandate.

32    SEC. 9. Section 473.3 of the Business and Professions Code  
33    is amended to read:

34    473.3. (a) Prior to the termination, continuation, or  
35    reestablishment of any board or any of the board's functions, the  
36    Joint Committee on Boards, Commissions, and Consumer *or*  
37    *Business* Protection shall, during the interim recess preceding the  
38    date upon which a board becomes inoperative, hold public hearings  
39    to receive testimony from the Director of Consumer Affairs, the  
40    board involved, and the public and regulated industry. In that

1 hearing, each board shall have the burden of demonstrating a  
2 compelling public need for the continued existence of the board  
3 or regulatory program, and that its licensing function is the least  
4 restrictive regulation consistent with the public health, safety, and  
5 welfare.

6 (b) In addition to subdivision (a), in 2002 and every four years  
7 thereafter, the committee, in cooperation with the California  
8 Postsecondary Education Commission, shall hold a public hearing  
9 to receive testimony from the Director of Consumer Affairs, the  
10 Bureau for Private Postsecondary and Vocational Education,  
11 private postsecondary educational institutions regulated by the  
12 bureau, and students of those institutions. In those hearings, the  
13 bureau shall have the burden of demonstrating a compelling public  
14 need for the continued existence of the bureau and its regulatory  
15 program, and that its function is the least restrictive regulation  
16 consistent with the public health, safety, and welfare.

17 (c) The committee, in cooperation with the California  
18 Postsecondary Education Commission, shall evaluate and review  
19 the effectiveness and efficiency of the Bureau for Private  
20 Postsecondary and Vocational Education, based on factors and  
21 minimum standards of performance that are specified in Section  
22 473.4. The committee shall report its findings and  
23 recommendations as specified in Section 473.5. The bureau shall  
24 prepare an analysis and submit a report to the committee as  
25 specified in Section 473.2.

26 (d) In addition to subdivision (a), in 2003 and every four years  
27 thereafter, the committee shall hold a public hearing to receive  
28 testimony from the Director of Consumer Affairs and the Bureau  
29 of Automotive Repair. In those hearings, the bureau shall have the  
30 burden of demonstrating a compelling public need for the continued  
31 existence of the bureau and its regulatory program, and that its  
32 function is the least restrictive regulation consistent with the public  
33 health, safety, and welfare.

34 (e) The committee shall evaluate and review the effectiveness  
35 and efficiency of the Bureau of Automotive Repair based on factors  
36 and minimum standards of performance that are specified in  
37 Section 473.4. The committee shall report its findings and  
38 recommendations as specified in Section 473.5. The bureau shall  
39 prepare an analysis and submit a report to the committee as  
40 specified in Section 473.2.

1 SEC. 10. Section 473.4 of the Business and Professions Code  
2 is amended to read:

3 473.4. (a) The Joint Committee on Boards, Commissions, and  
4 Consumer *or Business* Protection shall evaluate and determine  
5 whether a board or regulatory program has demonstrated a public  
6 need for the continued existence of the board or regulatory program  
7 and for the degree of regulation the board or regulatory program  
8 implements based on the following factors and minimum standards  
9 of performance:

10 (1) Whether regulation by the board is necessary to protect the  
11 public health, safety, and welfare.

12 (2) Whether the basis or facts that necessitated the initial  
13 licensing or regulation of a practice or profession have changed.

14 (3) Whether other conditions have arisen that would warrant  
15 increased, decreased, or the same degree of regulation.

16 (4) If regulation of the profession or practice is necessary,  
17 whether existing statutes and regulations establish the least  
18 restrictive form of regulation consistent with the public interest,  
19 considering other available regulatory mechanisms, and whether  
20 the board rules enhance the public interest and are within the scope  
21 of legislative intent.

22 (5) Whether the board operates and enforces its regulatory  
23 responsibilities in the public interest and whether its regulatory  
24 mission is impeded or enhanced by existing statutes, regulations,  
25 policies, practices, or any other circumstances, including budgetary,  
26 resource, and personnel matters.

27 (6) Whether an analysis of board operations indicates that the  
28 board performs its statutory duties efficiently and effectively.

29 (7) Whether the composition of the board adequately represents  
30 the public interest and whether the board encourages public  
31 participation in its decisions rather than participation only by the  
32 industry and individuals it regulates.

33 (8) Whether the board and its laws or regulations stimulate or  
34 restrict competition, and the extent of the economic impact the  
35 board's regulatory practices have on the state's business and  
36 technological growth.

37 (9) Whether complaint, investigation, powers to intervene, and  
38 disciplinary procedures adequately protect the public and whether  
39 final dispositions of complaints, investigations, restraining orders,  
40 and disciplinary actions are in the public interest; or if it is, instead,

1 self-serving to the profession, industry or individuals being  
2 regulated by the board.

3 (10) Whether the scope of practice of the regulated profession  
4 or occupation contributes to the highest utilization of personnel  
5 and whether entry requirements encourage affirmative action.

6 (11) Whether administrative and statutory changes are necessary  
7 to improve board operations to enhance the public interest.

8 (b) The Joint Committee on Boards, Commissions, and  
9 Consumer *or Business* Protection shall consider alternatives to  
10 placing responsibilities and jurisdiction of the board under the  
11 Department of Consumer Affairs.

12 (c) Nothing in this section precludes any board from submitting  
13 other appropriate information to the Joint Committee on Boards,  
14 Commissions, and Consumer *or Business* Protection.

15 SEC. 11. Section 473.5 of the Business and Professions Code  
16 is amended to read:

17 473.5. The Joint Committee on Boards, Commissions, and  
18 Consumer *or Business* Protection shall report its findings and  
19 preliminary recommendations to the department for its review,  
20 and, within 90 days of receiving the report, the department shall  
21 report its findings and recommendations to the Joint Committee  
22 on Boards, Commissions, and Consumer *or Business* Protection  
23 during the next year of the regular session that follows the hearings  
24 described in Section 473.3. The committee shall then meet to vote  
25 on final recommendations. A final report shall be completed by  
26 the committee and made available to the public and the Legislature.  
27 The report shall include final recommendations of the department  
28 and the committee and whether each board or function scheduled  
29 for repeal shall be terminated, continued, or reestablished, and  
30 whether its functions should be revised. If the committee or the  
31 department deems it advisable, the report may include proposed  
32 bills to carry out its recommendations.

33 SEC. 12. Section 473.6 of the Business and Professions Code  
34 is amended to read:

35 473.6. The chairpersons of the appropriate policy committees  
36 of the Legislature may refer to the Joint Committee on Boards,  
37 Commissions, and Consumer *or Business* Protection for review  
38 of any legislative issues or proposals to create new licensure or  
39 regulatory categories, change licensing requirements, modify scope  
40 of practice, or create a new licensing board under the provisions

1 of this code or pursuant to Chapter 1.5 (commencing with Section  
2 9148) of Part 1 of Division 2 of Title 2 of the Government Code.

3 SEC. 13. Section 474 of the Business and Professions Code is  
4 amended to read:

5 474. The Joint Committee on Boards, Commissions, and  
6 Consumer *or Business* Protection established pursuant to Section  
7 473 shall review all state boards as defined in Section 9148.2 of  
8 the Government Code, in addition to boards subject to review  
9 pursuant to Chapter 1 (commencing with Section 473), every four  
10 years or over another time period as determined by the committee.

11 SEC. 14. Section 474.1 of the Business and Professions Code  
12 is amended to read:

13 474.1. Prior to recommending the termination, continuation,  
14 or reestablishment of any board or any of the state board's  
15 functions, the Joint Committee on Boards, Commissions, and  
16 Consumer *or Business* Protection shall hold public hearings to  
17 receive testimony from the board involved and the public. In that  
18 hearing, each board shall have the burden of demonstrating a  
19 compelling public need for the continued existence of the board.

20 SEC. 15. Section 474.2 of the Business and Professions Code  
21 is amended to read:

22 474.2. All state boards to which this chapter applies shall  
23 prepare an analysis and submit a report to the Joint Committee on  
24 Boards, Commissions, and Consumer *or Business* Protection not  
25 later than 22 months before that state board is scheduled to be  
26 reviewed by the committee. The analysis and report shall include,  
27 at a minimum, all of the following:

28 (a) A comprehensive statement of the state board's mission,  
29 goals, objectives, and legal jurisdiction in protecting the health,  
30 safety, and welfare of the public.

31 (b) The board's fund conditions, sources of revenues, and  
32 expenditure categories for the last four fiscal years by program  
33 component.

34 (c) The board's initiation of legislative efforts, budget change  
35 proposals, and other initiatives it has taken to improve its legislative  
36 mandate.

37 (d) A complete cost-benefit analysis of the board's operation  
38 for each of the four years preceding the date of the report or over  
39 a time period specified by the committee.

1 SEC. 16. Section 474.3 of the Business and Professions Code  
2 is amended to read:

3 474.3. (a) The Joint Committee on Boards, Commissions, and  
4 Consumer *or Business* Protection shall evaluate and determine  
5 whether a state board as defined in Section 9148.2 of the  
6 Government Code, other than a board, subject to review pursuant  
7 to Chapter 1 (commencing with Section 473), has demonstrated a  
8 public need for its continued existence based on, but not limited  
9 to, the following factors and minimum standards of performance:

10 (1) Whether the board is necessary to protect the public health,  
11 safety, and welfare.

12 (2) Whether the basis or facts that necessitated the initial creation  
13 of the state board have changed.

14 (3) If the state board is necessary, whether existing statutes and  
15 regulations establish the most effective regulation consistent with  
16 the public interest, considering other available regulatory  
17 mechanisms, and whether the board rules enhance the public  
18 interest and are within the scope of legislative intent.

19 (4) Whether the state board operates and enforces its  
20 responsibilities in the public interest and whether its mission is  
21 impeded or enhanced by existing statutes, regulations, policies,  
22 practices, or any other circumstances, including budgetary,  
23 resource, and personnel matters.

24 (5) Whether an analysis of the state board indicates that it  
25 performs its statutory duties efficiently and effectively.

26 (6) Whether the composition of the state board adequately  
27 represents the public interest and whether it encourages public  
28 participation in its decisions rather than participation only by the  
29 entities it regulates or advises.

30 (7) Whether the state board and its laws or regulations stimulate  
31 or restrict competition, and the extent of the economic impact the  
32 board's regulatory practices have on the state's business and  
33 technological growth.

34 (8) Whether administrative and statutory changes are necessary  
35 to improve the state board operations to enhance the public interest.

36 (b) The Joint Committee on Boards, Commissions, and  
37 Consumer *or Business* Protection shall consider the appropriateness  
38 of eliminating and consolidating responsibilities between state  
39 boards.

(c) Nothing in this section precludes any state board or, if requested by the Joint Committee on Boards, Commissions, and Consumer *or Business* Protection, the Legislative Analyst's Office, from submitting other appropriate information to the Joint Committee on Boards, Commissions, and Consumer *or Business* Protection.

SEC. 17. Section 474.4 of the Business and Professions Code is amended to read:

474.4. The Joint Committee on Boards, Commissions, and Consumer *or Business* Protection shall meet to vote on final recommendations. A final report shall be completed by the committee and made available to the public and the Legislature. The report shall include final recommendations of the committee and whether each board or function shall be terminated, or continued, and whether its functions should be revised or consolidated with those of other state boards. If the committee deems it advisable, the report may include proposed bills to carry out its recommendations.

SEC. 18. Chapter 3 (commencing with Section 474.5) is added to Division 1.2 of the Business and Professions Code, to read:

### CHAPTER 3. REFERRAL OF LEGISLATION AFFECTING BUSINESSES

474.5. (a) The Assembly Committee on Rules and the Senate Committee on Rules shall refer any bill that may have a statewide economic impact affecting business to the Joint Committee on Boards, Commissions, and Consumer or Business Protection for review and approval.

(b) (1) The referral specified in subdivision (a) shall not affect any other referral made by the rules committees to any other policy committee or appropriations committee, if any. However, the bill shall remain with the Joint Committee on Boards, Commissions, and Consumer or Business Protection until approved by the joint committee.

(2) Notwithstanding paragraph (1), any hearing conducted under this section by the joint committee shall commence after any hearing or hearings conducted by any policy committee or, if double-referred, by any policy committees of the house of the Legislature for which the bill is proceeding, and shall commence before any hearing conducted by the appropriations committee, if

1 any, of the house of the Legislature for which the bill is proceeding.  
2 The hearing shall, insofar as consistent with this chapter, be  
3 conducted in the same manner as the hearing of a standing  
4 committee.

5 (c) For purposes of this chapter, the following definitions shall  
6 apply:

7 (1) “Bill” means a bill, resolution, or constitutional amendment.

8 (2) “Business” means any other business not defined as a small  
9 business.

10 (3) “Small business” means an independently owned and  
11 operated business that is not dominant in its field of operation, the  
12 principal office of which is located in California, the officers of  
13 which are domiciled in California, and which, together with  
14 affiliates, has 100 or fewer employees, and average annual gross  
15 receipts of ten million dollars (\$10,000,000) or less over the  
16 previous three years, or is a manufacturer, as defined in subdivision  
17 (c) of Section 14837 of the Government Code, with 100 or fewer  
18 employees.

19 474.6. For purposes of Section 474.5, “statewide economic  
20 impact” shall be construed broadly, and the factors the Assembly  
21 Committee on Rules and the Senate Committee on Rules shall  
22 consider when making a determination of “statewide economic  
23 impact” shall include, but not be limited to, the following:

24 (a) Whether the proposed bill contains language that includes  
25 a tax or a fee, directly provides for the regulation of a specific  
26 industry, provides for environmental mitigation or regulation, adds  
27 burdens to the state economy, imposes additional burdens on  
28 insurers, increases workers’ compensation, disability, or health  
29 insurance requirements, or affects housing costs or the housing  
30 market.

31 (b) Any other provision included in the bill that may affect the  
32 statewide economy.

33 474.7. Once a bill is referred to the joint committee pursuant  
34 to this chapter, the following shall apply:

35 (a) The joint committee shall prepare an economic impact  
36 analysis on the bill prior to the joint committee hearing on that bill  
37 and shall make a determination of fiscal effect.

38 (b) (1) If the bill relates to, or may affect, a small business or  
39 small businesses, the economic impact analysis shall include, but  
40 not be limited to, all of the following:

1 (A) An estimate of the number of small businesses that will be  
2 subject to, or affected by, the bill.

3 (B) The estimated annual average cost of compliance by a small  
4 business subject to, or affected by, the bill.

5 (C) A description of reasonable alternatives that would lessen  
6 any adverse impact on a small business subject to the bill,  
7 including, but not limited to:

8 (i) The establishment of less burdensome compliance or  
9 reporting requirements for small businesses.

10 (ii) The establishment of less burdensome schedules or deadlines  
11 for compliance or reporting requirements for small businesses.

12 (iii) The consolidation or simplification of compliance or  
13 reporting requirements for small businesses.

14 (iv) The use of performance standards for small businesses,  
15 instead of design or prescriptive standards.

16 (2) If the bill relates to, or may affect, any other business not  
17 defined as a small business, the economic impact analysis shall  
18 include, but not be limited to, all of the following:

19 (A) An estimate of the number of businesses that will be subject  
20 to, or affected by, the bill.

21 (B) The estimated annual average cost of compliance by a  
22 business subject to, or affected by, the bill.

23 (C) A description of reasonable alternatives that would lessen  
24 any adverse impact on a business subject to the bill, including, but  
25 not limited to:

26 (i) The establishment of less burdensome compliance or  
27 reporting requirements for businesses.

28 (ii) The establishment of less burdensome schedules or deadlines  
29 for compliance or reporting requirements for businesses.

30 (iii) The consolidation or simplification of compliance or  
31 reporting requirements for businesses.

32 (iv) The use of performance standards for businesses, instead  
33 of design or prescriptive standards.

34 (c) (1) The joint committee shall move a bill under paragraph  
35 (1) of subdivision (b) that is estimated to generate a fiscal impact  
36 of ten thousand dollars (\$10,000) or more to the suspense file of  
37 the joint committee, without prejudice, for further consideration.

38 (2) The joint committee shall move a bill under paragraph (2)  
39 of subdivision (b) that is estimated to generate a fiscal impact of

1 fifty thousand dollars (\$50,000) or more to the suspense file of the  
2 joint committee, without prejudice, for further consideration.

3 (d) A bill may be amended after being placed and while on the  
4 suspense file. Any amendments proposed or accepted by the author  
5 of a bill that is moved to the suspense file must be submitted no  
6 later than eight calendar days prior to the joint committee hearing  
7 at which the suspense file will be heard. Failure to meet this  
8 deadline will result in that bill not being considered for passage  
9 off the suspense file.

10 (e) An author shall present all testimony at the time of the first  
11 regularly scheduled hearing on a bill, even though the bill's  
12 provisions indicate that a referral to the suspense file under this  
13 section is in order. No testimony shall be taken during the joint  
14 committee hearing while the suspense file is being heard.

15 (f) At the discretion of the chair, the joint committee may not  
16 move any bill to the suspense file during any joint committee  
17 hearing held within three weeks before adjournment for interim  
18 study recess or final recess.

19 (g) A bill may be moved off the suspense file upon a majority  
20 vote of the members of each house of the joint committee, subject  
21 to quorum requirements and as otherwise provided in the joint  
22 rules.

23 474.8. After a bill is heard in either house of the Legislature,  
24 and the joint committee has already approved the bill, while in the  
25 other house of the Legislature the bill shall not be rereferred to the  
26 joint committee, unless the bill has been amended since the date  
27 it was first heard by the joint committee. If the bill has been  
28 amended by either house, and it still has, or has been amended to  
29 have, a statewide economic impact affecting business, it shall be  
30 rereferred to the joint committee pursuant to the same procedures  
31 specified in Section 474.5 in the house of the Legislature for which  
32 it has been moved.

33 474.9. In addition to the analysis prepared under subdivisions  
34 (a) and (b) of Section 474.7, the joint committee shall annually  
35 prepare a report to the public on or before January 1, that provides  
36 a compilation of the bills referred to the joint committee under this  
37 chapter during the regular session of the Legislature or under any  
38 extraordinary session, the economic impact analyses described in  
39 subdivisions (a) and (b) of Section 474.7, a copy of the history and

1 vote counts for each bill, and a synopsis of the actions taken by  
2 the joint committee with regard to that session or sessions.

3 474.95. (a) The Assembly Committee on Rules and the Senate  
4 Committee on Rules shall incorporate these procedures into the  
5 Joint Rules of the Senate and Assembly and the legislative calendar  
6 regarding committee deadlines.

7 (b) All other Standing Rules of the Assembly, Standing Rules  
8 of the Senate, and Joint Rules of the Assembly and Senate shall  
9 apply to the joint committee in exercising its authority under this  
10 chapter.

11 SEC. 19. Section 1620.1 of the Business and Professions Code  
12 is amended to read:

13 1620.1. The Department of Consumer Affairs, in conjunction  
14 with the board and the Joint Committee on Boards, Commissions,  
15 and Consumer *or Business* Protection, shall review the scope of  
16 practice for dental auxiliaries. The department shall employ the  
17 services of an independent consultant to perform this  
18 comprehensive analysis. The department shall be authorized to  
19 enter into an interagency agreement or be exempted from obtaining  
20 sole source approval for a sole source contract. The board shall  
21 pay for all of the costs associated with this comprehensive analysis.  
22 The department shall report its findings and recommendations to  
23 the Legislature by September 1, 2002.

24 SEC. 20. Section 1632.5 of the Business and Professions Code  
25 is amended to read:

26 1632.5. (a) Prior to implementation of paragraph (2) of  
27 subdivision (c) of Section 1632, the department's Office of  
28 Professional Examination Services shall review the Western  
29 Regional Examining Board examination to ensure compliance  
30 with the requirements of Section 139 and to certify that the  
31 examination process meets those standards. If the department  
32 determines that the examination process fails to meet those  
33 standards, paragraph (2) of subdivision (c) of Section 1632 shall  
34 not be implemented. The review of the Western Regional  
35 Examining Board examination shall be conducted during or after  
36 the Dental Board of California's occupational analysis scheduled  
37 for the 2004–05 fiscal year, but not later than September 30, 2005.  
38 However, an applicant who successfully completes the Western  
39 Regional Examining Board examination on or after January 1,  
40 2005, shall be deemed to have met the requirements of subdivision

1 (c) of Section 1632 if the department certifies that the Western  
2 Regional Examining Board examination meets the standards set  
3 forth in this subdivision.

4 (b) The Western Regional Examining Board examination  
5 process shall be regularly reviewed by the department pursuant to  
6 Section 139.

7 (c) The Western Regional Examining Board examination shall  
8 meet the mandates of subdivision (a) of Section 12944 of the  
9 Government Code.

10 (d) As part of its next scheduled review by the Joint Committee  
11 on Boards, Commissions, and Consumer *or Business* Protection,  
12 the Dental Board of California shall report to that committee and  
13 the department on the pass rates of applicants who sat for the  
14 Western Regional Examining Board examination, compared with  
15 the pass rates of applicants who sat for the state clinical and written  
16 examination administered by the Dental Board of California. This  
17 report shall be a component of the evaluation of the examination  
18 process that is based on psychometrically sound principles for  
19 establishing minimum qualifications and levels of competency.

20 SEC. 21. Section 1634.2 of the Business and Professions Code  
21 is amended to read:

22 1634.2. (a) An advanced education program's compliance  
23 with subdivision (c) of Section 1634.1 shall be regularly reviewed  
24 by the department pursuant to Section 139.

25 (b) An advanced education program described in subdivision  
26 (c) of Section 1634.1 shall meet the requirements of subdivision  
27 (a) of Section 12944 of the Government Code.

28 (c) The clinical residency program completion certification  
29 required by subdivision (c) of Section 1634.1 shall include a list  
30 of core competencies commensurate to those found in the board's  
31 examinations. The board, together with the department's Office  
32 of Professional Examination Services, shall ensure the alignment  
33 of the competencies stated in the clinical residency program  
34 completion certification with the board's current occupational  
35 analysis. The board shall implement use of the clinical residency  
36 program completion certification form and use of the core  
37 competency list through the adoption of emergency regulations  
38 by January 1, 2008.

39 (d) As part of its next scheduled review after January 1, 2007,  
40 by the Joint Committee on Boards, Commissions, and Consumer

1 *or Business* Protection, the board shall report to that committee  
2 and to the department the number of complaints received for those  
3 dentists who have obtained licensure by passing the state clinical  
4 examination and for those dentists who have obtained licensure  
5 through an advanced education program. The report shall also  
6 contain tracking information on these complaints and their  
7 disposition. This report shall be a component of the evaluation of  
8 the examination process that is based on psychometrically sound  
9 principles for establishing minimum qualifications and levels of  
10 competency.

11 SEC. 22. Section 1638.1 of the Business and Professions Code  
12 is amended to read:

13 1638.1. (a) (1) A person licensed pursuant to Section 1634  
14 who wishes to perform elective facial cosmetic surgery shall first  
15 apply for and receive a permit to perform elective facial cosmetic  
16 surgery from the board.

17 (2) A permit issued pursuant to this section shall be valid for a  
18 period of two years and must be renewed by the permitholder at  
19 the time his or her license is renewed. Every six years, prior to  
20 renewal of the permitholder's license and permit, the permitholder  
21 shall submit evidence acceptable to the credentialing committee  
22 that he or she has maintained continued competence to perform  
23 the procedures authorized by the permit. The credentialing  
24 committee may limit a permit consistent with paragraph (1) of  
25 subdivision (e) if it is not satisfied that the permitholder has  
26 established continued competence.

27 (b) The board may adopt regulations for the issuance of the  
28 permit that it deems necessary to protect the health, safety, and  
29 welfare of the public.

30 (c) A licensee may obtain a permit to perform elective facial  
31 cosmetic surgery by furnishing all of the following information  
32 on an application form approved by the board:

33 (1) Proof of successful completion of an oral and maxillofacial  
34 surgery residency program accredited by the Commission on Dental  
35 Accreditation of the American Dental Association.

36 (2) Proof that the applicant has satisfied the criteria specified  
37 in either subparagraph (A) or (B):

38 (A) (i) Is certified, or is a candidate for certification, by the  
39 American Board of Oral and Maxillofacial Surgery.

(ii) Submits to the board a letter from the program director of the accredited residency program, or from the director of a postresidency fellowship program accredited by the Commission on Dental Accreditation of the American Dental Association, stating that the licensee has the education, training, and competence necessary to perform the surgical procedures that the licensee has notified the board he or she intends to perform.

(iii) Submits documentation to the board of at least 10 operative reports from residency training or proctored procedures that are representative of procedures that the licensee intends to perform from both of the following categories:

(I) Cosmetic contouring of the osteocartilaginous facial structure, which may include, but is not limited to, rhinoplasty and otoplasty.

(II) Cosmetic soft tissue contouring or rejuvenation, which may include, but is not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation.

(iv) Submits documentation to the board showing the surgical privileges the applicant possesses at any licensed general acute care hospital and any licensed outpatient surgical facility in this state.

(B) (i) Has been granted privileges by the medical staff at a licensed general acute care hospital to perform the surgical procedures set forth in paragraph (A) at that hospital.

(ii) Submits to the board the documentation described in clause (iii) of subparagraph (A).

(3) Proof that the applicant is on active status on the staff of a general acute care hospital and maintains the necessary privileges based on the bylaws of the hospital to maintain that status.

(d) The application shall be accompanied by an application fee of five hundred dollars (\$500) for an initial permit. The fee to renew a permit shall be two hundred dollars (\$200).

(e) (1) The board shall appoint a credentialing committee to review the qualifications of each applicant for a permit. Upon completion of the review of an applicant, the committee shall make a recommendation to the board on whether to issue or not issue a permit to the applicant. The permit may be unqualified, entitling the permitholder to perform any facial cosmetic surgical procedure authorized by this section, or it may contain limitations if the credentialing committee is not satisfied that the applicant has the training or competence to perform certain classes of procedures,

1 or if the applicant has not requested to be permitted for all  
2 procedures authorized by this section.

3 (2) The credentialing committee shall be comprised of five  
4 members, as follows:

5 (A) A physician and surgeon with a specialty in plastic and  
6 reconstructive surgery who maintains active status on the staff of  
7 a licensed general acute care hospital in this state.

8 (B) A physician and surgeon with a specialty in otolaryngology  
9 who maintains active status on the staff of a licensed general acute  
10 care hospital in this state.

11 (C) Three oral and maxillofacial surgeons licensed by the board  
12 who are board certified by the American Board of Oral and  
13 Maxillofacial Surgeons, and who maintain active status on the  
14 staff of a licensed general acute care hospital in this state, at least  
15 one of whom shall be licensed as a physician and surgeon in this  
16 state. Two years after the effective date of this section, any oral  
17 and maxillofacial surgeon appointed to the committee who is not  
18 licensed as a physician and surgeon shall hold a permit pursuant  
19 to this section.

20 (3) The board shall solicit from the following organizations  
21 input and recommendations regarding members to be appointed  
22 to the credentialing committee:

23 (A) The Medical Board of California.

24 (B) The California Dental Association.

25 (C) The California Association of Oral and Maxillofacial  
26 Surgeons.

27 (D) The California Medical Association.

28 (E) The California Society of Plastic Surgeons.

29 (F) Any other source that the board deems appropriate.

30 (4) The credentialing committee shall meet at a time and place  
31 directed by the board to evaluate applicants for permits. A quorum  
32 of three members shall be required for the committee to consider  
33 applicants and make recommendations to the board.

34 (f) A licensee may not perform any elective, facial cosmetic  
35 surgical procedure except at a general acute care hospital, a licensed  
36 outpatient surgical facility, or an outpatient surgical facility  
37 accredited by the Joint Commission on Accreditation of Healthcare  
38 Organizations (JCAHO), the American Association for Ambulatory  
39 Health Care (AAAHC), the Medicare program, or an accreditation

1 agency approved by the Medical Board of California pursuant to  
2 subdivision (g) of Section 1248.1 of the Health and Safety Code.

3 (g) For purposes of this section, the following terms shall have  
4 the following meanings:

5 (1) “Elective cosmetic surgery” means any procedure defined  
6 as cosmetic surgery in subdivision (d) of Section 1367.63 of the  
7 Health and Safety Code, and excludes any procedure that  
8 constitutes reconstructive surgery, as defined in subdivision (c) of  
9 Section 1367.63 of the Health and Safety Code.

10 (2) “Facial” means those regions of the human body described  
11 in Section 1625 and in any regulations adopted pursuant to that  
12 section by the board.

13 (h) A holder of a permit issued pursuant to this section shall not  
14 perform elective facial cosmetic surgical procedures unless he or  
15 she has malpractice insurance or other financial security protection  
16 that would satisfy the requirements of Section 2216.2 and any  
17 regulations adopted thereunder.

18 (i) A holder of a permit shall comply with the requirements of  
19 subparagraph (D) of paragraph (2) of subdivision (a) of Section  
20 1248.15 of the Health and Safety Code, and the reporting  
21 requirements specified in Section 2240, with respect to any surgical  
22 procedure authorized by this section, in the same manner as a  
23 physician and surgeon.

24 (j) Any violation of this section constitutes unprofessional  
25 conduct and is grounds for the revocation or suspension of the  
26 person’s permit, license, or both, or the person may be reprimanded  
27 or placed on probation. Proceedings initiated by the board under  
28 this section shall be conducted in accordance with Chapter 5  
29 (commencing with Section 11500) of Part 1 of Division 3 of Title  
30 2 of the Government Code, and the board shall have all the powers  
31 granted therein.

32 (k) On or before January 1, 2009, and every four years thereafter,  
33 the board shall report to the Joint Committee on Boards,  
34 Commissions and Consumer *or Business* Protection on all of the  
35 following:

36 (1) The number of persons licensed pursuant to Section 1634  
37 who apply to receive a permit to perform elective facial cosmetic  
38 surgery from the board pursuant to subdivision (a).

39 (2) The recommendations of the credentialing committee to the  
40 board.

1 (3) The board's action on recommendations received by the  
2 credentialing committee.

3 (4) The number of persons receiving a permit from the board  
4 to perform elective facial cosmetic surgery.

5 (5) The number of complaints filed by or on behalf of patients  
6 who have received elective facial cosmetic surgery by persons  
7 who have received a permit from the board to perform elective  
8 facial cosmetic surgery.

9 (6) Action taken by the board resulting from complaints filed  
10 by or on behalf of patients who have received elective facial  
11 cosmetic surgery by persons who have received a permit from the  
12 board to perform elective facial cosmetic surgery.

13 SEC. 23. Section 1638.7 of the Business and Professions Code  
14 is amended to read:

15 1638.7. The next occupational analysis of dental licensees and  
16 oral and maxillofacial facial surgeons pursuant to Section 139 shall  
17 include a survey of the training and practices of oral and  
18 maxillofacial surgeons and, upon completion of that analysis, a  
19 report shall be made to the Joint Committee on Boards,  
20 Commissions, and Consumer *or Business* Protection regarding the  
21 findings.

22 SEC. 24. Section 4001.5 of the Business and Professions Code  
23 is amended to read:

24 4001.5. The Joint Committee on Boards, Commissions, and  
25 Consumer *or Business* Protection shall review the state's shortage  
26 of pharmacists and make recommendations on a course of action  
27 to alleviate the shortage, including, but not limited to, a review of  
28 the current California pharmacist licensure examination.

29 SEC. 25. Section 4200.3 of the Business and Professions Code  
30 is amended to read:

31 4200.3. (a) The examination process shall be regularly  
32 reviewed pursuant to Section 139.

33 (b) The examination process shall meet the standards and  
34 guidelines set forth in the Standards for Educational and  
35 Psychological Testing and the Federal Uniform Guidelines for  
36 Employee Selection Procedures. The board shall work with the  
37 Office of Professional Examination Services of the department or  
38 with an equivalent organization who shall certify at minimum once  
39 every five years that the examination process meets these national  
40 testing standards. If the department determines that the examination

1 process fails to meet these standards, the board shall terminate its  
2 use of the North American Pharmacy Licensure Examination and  
3 shall use only the written and practical examination developed by  
4 the board.

5 (c) The examination shall meet the mandates of subdivision (a)  
6 of Section 12944 of the Government Code.

7 (d) The board shall work with the Office of Professional  
8 Examination Services or with an equivalent organization to develop  
9 the state jurisprudence examination to ensure that applicants for  
10 licensure are evaluated on their knowledge of applicable state laws  
11 and regulations.

12 (e) The board shall annually publish the pass and fail rates for  
13 the pharmacist's licensure examination administered pursuant to  
14 Section 4200, including a comparison of historical pass and fail  
15 rates before utilization of the North American Pharmacist Licensure  
16 Examination.

17 (f) The board shall report to the Joint Committee on Boards,  
18 Commissions, and Consumer *or Business* Protection and the  
19 department as part of its next scheduled review, the pass rates of  
20 applicants who sat for the national examination compared with  
21 the pass rates of applicants who sat for the prior state examination.  
22 This report shall be a component of the evaluation of the  
23 examination process that is based on psychometrically sound  
24 principles for establishing minimum qualifications and levels of  
25 competency.

26 SEC. 26. Section 4934.2 of the Business and Professions Code  
27 is amended to read:

28 4934.2. The board shall conduct the following studies and  
29 reviews, and shall report its findings and recommendations to the  
30 department and the Joint Committee on Boards, Commissions,  
31 and Consumer *or Business* Protection no later ~~that~~ *than* September  
32 1, 2004:

33 (a) The board shall conduct a comprehensive study of the use  
34 of unlicensed acupuncture assistants and the need to license and  
35 regulate those assistants.

36 (b) The board shall study and recommend ways to improve the  
37 frequency and consistency of their auditing and the quality and  
38 relevance of their courses.

39 SEC. 27. Section 5000 of the Business and Professions Code  
40 is amended to read:

1 5000. There is in the Department of Consumer Affairs the  
2 California Board of Accountancy, which consists of 15 members,  
3 seven of whom shall be licensees, and eight of whom shall be  
4 public members who shall not be licentiates of the board or  
5 registered by the board. The board has the powers and duties  
6 conferred by this chapter.

7 The Governor shall appoint four of the public members, and the  
8 seven licensee members as provided in this section. The Senate  
9 Rules Committee and the Speaker of the Assembly shall each  
10 appoint two public members. In appointing the seven licensee  
11 members, the Governor shall appoint members representing a cross  
12 section of the accounting profession with at least two members  
13 representing a small public accounting firm. For the purposes of  
14 this chapter, a small public accounting firm shall be defined as a  
15 professional firm that employs a total of no more than four  
16 licensees as partners, owners, or full-time employees in the practice  
17 of public accountancy within the State of California.

18 This section shall become inoperative on July 1, 2011, and as  
19 of January 1, 2012, is repealed, unless a later enacted statute, that  
20 becomes effective on or before January 1, 2012, deletes or extends  
21 the dates on which this section becomes inoperative and is repealed.  
22 The repeal of this section renders the board subject to the review  
23 required by Division 1.2 (commencing with Section 473).  
24 However, the review of the board shall be limited to reports or  
25 studies specified in this chapter and those issues identified by the  
26 Joint Committee on Boards, Commissions, and Consumer *or*  
27 *Business* Protection and the board regarding the implementation  
28 of new licensing requirements.

29 SEC. 28. Section 5811 of the Business and Professions Code  
30 is amended to read:

31 5811. An interior design organization issuing stamps under  
32 Section 5801 shall provide to the Joint Committee on Boards,  
33 Commissions, and Consumer *or Business* Protection by September  
34 1, 2008, a report that reviews and assesses the costs and benefits  
35 associated with the California Code and Regulations Examination  
36 and explores feasible alternatives to that examination.

37 SEC. 29. Section 6704.1 of the Business and Professions Code  
38 is amended to read:

39 6704.1. (a) The Department of Consumer Affairs, in  
40 conjunction with the board, and the Joint Committee on Boards,

1 Commissions, and Consumer *or Business* Protection shall review  
2 the engineering branch titles specified in Section 6732 to determine  
3 whether certain title acts should be eliminated from this chapter,  
4 retained, or converted to practice acts similar to civil, electrical,  
5 and mechanical engineering, and whether supplemental engineering  
6 work should be permitted for all branches of engineering. The  
7 department shall contract with an independent consulting firm to  
8 perform this comprehensive analysis of title act registration.

9 (b) The independent consultant shall perform, but not be limited  
10 to, the following: (1) meet with representatives of each of the  
11 engineering branches and other professional groups; (2) examine  
12 the type of services and work provided by engineers in all branches  
13 of engineering and interrelated professions within the marketplace,  
14 to determine the interrelationship that exists between the various  
15 branches of engineers and other interrelated professions; (3) review  
16 and analyze educational requirements of engineers; (4) identify  
17 the degree to which supplemental or “overlapping” work between  
18 engineering branches and interrelated professions occurs; (5)  
19 review alternative methods of regulation of engineers in other  
20 states and what impact the regulations would have if adopted in  
21 California; (6) identify the manner in which local and state agencies  
22 utilize regulations and statutes to regulate engineering work; and  
23 (7) recommend changes to existing laws regulating engineers after  
24 considering how these changes may affect the health, safety, and  
25 welfare of the public.

26 (c) The board shall reimburse the department for costs associated  
27 with this comprehensive analysis. The department shall report its  
28 findings and recommendations to the Legislature by September 1,  
29 2002.

30 SEC. 30. Section 7000.5 of the Business and Professions Code  
31 is amended to read:

32 7000.5. (a) There is in the Department of Consumer Affairs  
33 a Contractors’ State License Board, which consists of 15 members.

34 (b) The repeal of this section renders the board subject to the  
35 review required by Division 1.2 (commencing with Section 473).  
36 However, the review of this board by the department shall be  
37 limited to only those unresolved issues identified by the Joint  
38 Committee on Boards, Commissions, and Consumer *or Business*  
39 Protection.

1 (c) This section shall remain in effect only until January 1, 2011,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2011, deletes or extends that date.

4 The repeal of this section renders the board subject to the review  
5 required by Division 1.2 (commencing with Section 473).

6 SEC. 31. Section 7303.2 of the Business and Professions Code  
7 is amended to read:

8 7303.2. The board shall conduct the following studies and  
9 reviews, and shall report its findings and recommendations to the  
10 department and the Joint Committee on Boards, Commissions,  
11 and Consumer *or Business* Protection no later than September 1,  
12 2005:

13 (a) The board, pursuant to Section 139 and in conjunction with  
14 the Office of Professional Examination Services of the department,  
15 shall review the 1600 hour training requirement for cosmetologists.

16 (b) The board, in conjunction with the Office of Professional  
17 Examination Services of the department, shall evaluate the  
18 equivalency of the national exam.

19 (c) The board shall conduct a study to assess the costs and  
20 benefits associated with requiring all applicants to submit  
21 fingerprint cards for background investigations.

22 (d) The board, in coordination with the Department of Industrial  
23 Relations, shall review all components of the apprenticeship  
24 program, including, but not limited to, the following:

25 (1) Apprenticeship curriculum requirements.

26 (2) The standards for the preapprentice trainers, program  
27 sponsors, trainers, and placement establishments. The board shall  
28 pay particular attention to ways to eliminate duplicative regulations.

29 (e) The board shall review all components of the externship  
30 program. In addition to structural changes, the board shall address  
31 the following:

32 (1) Whether the program should be eliminated.

33 (2) Whether the program should be available to all students, not  
34 just cosmetology students attending private schools.

35 (3) Whether the students should be paid.

36 (f) The board shall assess the costs and benefits associated with  
37 same day licensing. If the board determines that the benefits of  
38 same day licensing outweigh the costs, the board shall immediately  
39 plan and implement safety measures to protect site staff and  
40 undispersed licenses.

1 (g) The board, in conjunction with the Office of Professional  
2 Examination Services of the department, shall assess the validity  
3 of aggregate scoring for board applicants.

4 SEC. 32. Section 9882 of the Business and Professions Code  
5 is amended to read:

6 9882. (a) There is in the Department of Consumer Affairs a  
7 Bureau of Automotive Repair under the supervision and control  
8 of the director. The duty of enforcing and administering this chapter  
9 is vested in the chief who is responsible to the director. The director  
10 may adopt and enforce those rules and regulations that he or she  
11 determines are reasonably necessary to carry out the purposes of  
12 this chapter and declaring the policy of the bureau, including a  
13 system for the issuance of citations for violations of this chapter  
14 as specified in Section 125.9. These rules and regulations shall be  
15 adopted pursuant to Chapter 3.5 (commencing with Section 11340)  
16 of Part 1 of Division 3 of Title 2 of the Government Code.

17 (b) In 2003 and every four years thereafter, the Joint Committee  
18 on Boards, Commissions, and Consumer *or Business* Protection  
19 shall hold a public hearing to receive testimony from the Director  
20 of Consumer Affairs and the bureau. In those hearings, the bureau  
21 shall have the burden of demonstrating a compelling public need  
22 for the continued existence of the bureau and its regulatory  
23 program, and that its function is the least restrictive regulation  
24 consistent with the public health, safety, and welfare. The  
25 committee shall evaluate and review the effectiveness and  
26 efficiency of the bureau based on factors and minimum standards  
27 of performance that are specified in Section 473.4. The committee  
28 shall report its findings and recommendations as specified in  
29 Section 473.5. The bureau shall prepare an analysis and submit a  
30 report to the committee as specified in Section 473.2.

31 SEC. 33. Section 18824 of the Business and Professions Code  
32 is amended to read:

33 18824. (a) Except as provided in Sections 18646 and 18832,  
34 every person who conducts a contest or wrestling exhibition shall,  
35 within five working days after the determination of every contest  
36 or wrestling exhibition for which admission is charged and  
37 received, furnish to the commission the following:

38 (1) A written report executed under penalty of perjury by one  
39 of the officers, showing the amount of the gross receipts, not to  
40 exceed two million dollars (\$2,000,000), and the gross price for

1 the contest or wrestling exhibition charged directly or indirectly  
2 and no matter by whom received, for the sale, lease, or other  
3 exploitation of broadcasting and television rights of the contest or  
4 wrestling exhibition, and without any deductions, except for  
5 expenses incurred for one broadcast announcer, telephone line  
6 connection, and transmission mobile equipment facility, which  
7 may be deducted from the gross taxable base when those expenses  
8 are approved by the commission.

9 (2) A fee of 5 percent, exclusive of any federal taxes paid  
10 thereon, of the amount paid for admission to the contest or  
11 wrestling exhibition, except that for any one contest, the fee shall  
12 not exceed the amount of one hundred thousand dollars (\$100,000).  
13 The commission shall report to the Joint Committee on Boards,  
14 Commissions, and Consumer *or Business* Protection on the fiscal  
15 impact of the one hundred thousand dollar (\$100,000) limit on  
16 fees collected by the commission for admissions revenues.

17 (A) The amount of the gross receipts upon which the fee  
18 provided for in paragraph (2) is calculated shall not include any  
19 assessments levied by the commission under Section 18711.

20 (B) (i) If the fee for any one boxing contest exceeds seventy  
21 thousand dollars (\$70,000), the amount in excess of seventy  
22 thousand dollars (\$70,000) shall be paid one-half to the commission  
23 and one-half to the Boxers' Pension Fund.

24 (ii) If the report required by subdivision (b) of Section 18618  
25 recommends that the Boxers' Pension Fund shall be expanded to  
26 include all athletes licensed under this chapter, the commission,  
27 by regulation, shall require, for all contests where the fee exceeds  
28 seventy thousand dollars (\$70,000), the amount in excess of  
29 seventy thousand dollars (\$70,000) shall be paid one-half to the  
30 commission and one-half to the Boxers' Pension Fund only if all  
31 athletes licensed under this chapter are made eligible for the  
32 Boxers' Pension Fund.

33 (C) The fee shall apply to the amount actually paid for admission  
34 and not to the regular established price.

35 (D) No fee is due in the case of a person admitted free of charge.  
36 However, if the total number of persons admitted free of charge  
37 to a boxing, kickboxing, or martial arts contest, or wrestling  
38 exhibition exceeds 33 percent of the total number of spectators,  
39 then a fee of one dollar (\$1) per complimentary ticket or pass used  
40 to gain admission to the contest shall be paid to the commission

1 for each complimentary ticket or pass that exceeds the numerical  
2 total of 33 percent of the total number of spectators.

3 (E) The minimum fee for an amateur contest or exhibition shall  
4 not be less than five hundred dollars (\$500).

5 (3) A fee of up to 5 percent, to be established by the commission  
6 through regulations to become operative on or before July 1, 2008,  
7 and updated periodically as needed, of the gross price, exclusive  
8 of any federal taxes paid thereon, for the sale, lease, or other  
9 exploitation of broadcasting or television rights thereof, except  
10 that in no case shall the fee be less than one thousand dollars  
11 (\$1,000) or more than twenty-five thousand dollars (\$25,000).

12 (b) As used in this section, “person” includes a promoter, club,  
13 individual, corporation, partnership, association, or other  
14 organization, and “wrestling exhibition” means a performance of  
15 wrestling skills and techniques by two or more individuals, to  
16 which admission is charged or which is broadcast or televised, in  
17 which the participating individuals are not required to use their  
18 best efforts in order to win, and for which the winner may have  
19 been selected before the performance commences.

20 SEC. 34. Section 18882 of the Business and Professions Code  
21 is amended to read:

22 18882. (a) At the time of payment of the fee required by  
23 Section 18824, a promoter shall pay to the commission all amounts  
24 scheduled for contribution to the pension plan. If the commission,  
25 in its discretion, requires pursuant to Section 18881, that  
26 contributions to the pension plan be made by the boxer and his or  
27 her manager, those contributions shall be made at the time and in  
28 the manner prescribed by the commission.

29 (b) All contributions to finance the pension plan shall be  
30 deposited in the State Treasury and credited to the Boxers’ Pension  
31 Fund, which is hereby created. Notwithstanding the provisions of  
32 Section 13340 of the Government Code, all moneys in the Boxers’  
33 Pension Fund are hereby continuously appropriated to be used  
34 exclusively for the purposes and administration of the pension  
35 plan.

36 (c) The Boxers’ Pension Fund is a retirement fund, and no  
37 moneys within it shall be deposited or transferred to the General  
38 Fund.

39 (d) The commission has exclusive control of all funds in the  
40 Boxers’ Pension Fund. No transfer or disbursement in any amount

1 from this fund shall be made except upon the authorization of the  
2 commission and for the purpose and administration of the pension  
3 plan.

4 (e) Except as otherwise provided in this subdivision, the  
5 commission or its designee shall invest the money contained in  
6 the Boxers' Pension Fund according to the same standard of care  
7 as provided in Section 16040 of the Probate Code. The commission  
8 has exclusive control over the investment of all moneys in the  
9 Boxers' Pension Fund. Except as otherwise prohibited or restricted  
10 by law, the commission may invest the moneys in the fund through  
11 the purchase, holding, or sale of any investment, financial  
12 instrument, or financial transaction that the commission in its  
13 informed opinion determines is prudent.

14 (f) The administrative costs associated with investing, managing,  
15 and distributing the Boxers' Pension Fund shall be limited to no  
16 more than 20 percent of the average annual contribution made to  
17 the fund in the previous two years, not including any investment  
18 income derived from the corpus of the fund. Diligence shall be  
19 exercised by administrators in order to lower the fund's expense  
20 ratio as far below 20 percent as feasible and appropriate. The  
21 commission shall report to the Joint Committee on Boards,  
22 Commissions, and Consumer *or Business* Protection on the impact  
23 of this provision during the next regularly scheduled sunset review  
24 after January 1, 2007.

25 SEC. 35. Section 9148.52 of the Government Code is amended  
26 to read:

27 9148.52. (a) The Joint Committee on Boards, Commissions,  
28 and Consumer *or Business* Protection established pursuant to  
29 Section 473 of the Business and Professions Code shall review all  
30 state boards, as defined in Section 9148.2, other than a board  
31 subject to review pursuant to Chapter 1 (commencing with Section  
32 473) of Division 1.2 of the Business and Professions Code, every  
33 four years.

34 (b) The committee shall evaluate and make determinations  
35 pursuant to Chapter 2 (commencing with Section 474) of Division  
36 1.2 of the Business and Professions Code.

37 SEC. 36. Section 9148.8 of the Government Code is amended  
38 to read:

39 9148.8. (a) The Joint Committee on Boards, Commissions,  
40 and Consumer *or Business* Protection, acting pursuant to a request

1 from the chairperson of the appropriate policy committee, shall  
2 evaluate a plan prepared pursuant to Section 9148.4 or 9148.6.

3 (b) Evaluations prepared by the Joint Committee on Boards,  
4 Commissions, and Consumer *or Business* Protection pursuant to  
5 this section shall be provided to the respective policy and fiscal  
6 committees of the Legislature pursuant to rules adopted by each  
7 committee for this purpose.

8 SEC. 37. This act addresses the fiscal emergency declared by  
9 the Governor by proclamation on January 8, 2010, pursuant to  
10 subdivision (f) of Section 10 of Article IV of the California  
11 Constitution.

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